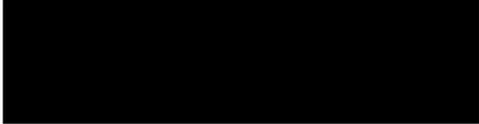




U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
invasion of personal privacy



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FILE:



OFFICE: California Service Center

DATE: OCT 02 2007

[WAC 05 216 77423 –
as it relates to
SRC 01 155 61798]

IN RE:

Applicant:



APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the California Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Texas Service Center (TSC). A subsequent application was denied by the Director, California Service Center (CSC), and is currently before the AAO on a motion to reconsider. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office (AAO), and approved. The appeal on the subsequent application will be sustained, and that application will also be approved.

The applicant is a citizen of El Salvador who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The applicant filed an initial application for TPS at the TSC on March 27, 2001 [SRC 01 155 61798]. The TSC director denied the initial application on February 25, 2004, on the ground that the applicant had abandoned her application by failing to appear for her fingerprinting appointment scheduled for October 14, 2003.

The applicant filed another application at the CSC on March 4, 2005 [WAC 05 216 77423], which she identified as an application to re-register for TPS. On August 16, 2005, the CSC Director denied the application, stating that since the original application had been denied, the applicant was ineligible to re-register for TPS. The applicant filed an appeal, which was dismissed by the AAO on February 8, 2007. The application is currently before the AAO on a motion to reconsider.

The record confirms that the applicant was fingerprinted on June 23, 2001, after filing her initial TPS application, and again on June 28, 2005, after filing her re-registration application. Background checks based on those fingerprints did not reveal any criminal record for the applicant.

The record of proceedings – which includes a photocopy of the applicant’s national identity document from El Salvador as well as various employment and tax-related documents from the years 2000-2005 showing her continuous residence and physical presence in the United States during that time period – establishes the applicant’s eligibility for TPS and does not reflect any grounds that would bar the applicant from receiving TPS. Therefore, the director’s denial of the initial application will be withdrawn and the application approved.

The director’s decision on the application for re-registration is dependent upon the adjudication of the initial application. Since the initial application is being approved, the appeal from the denial of the re-registration will be sustained and that application will also be approved.

An alien applying for TPS has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has met that burden.

ORDER: The initial application [SRC 01 155 61798] is reopened, *sua sponte*, the TSC Director’s denial is withdrawn, and the application is approved. The appeal of the CSC Director’s denial of the re-registration application [WAC 05 216 77423] is sustained, and the application is approved.